IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

LA.App.No. 1545 of 2007

LAR.25/1989 of SUB COURT, KOTTARAKKARA
.....

APPELLANT/ 2ND RESPONDENT:

KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDHYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.

BY SRI. C.K. KARUNAKARAN, SC FOR KSEB

RESPONDENTS/ CLAIMANTS & RESPONDENT NO. 1:
----

1. **KUNJU RAMAN RAJAN,**
   BUNGLOWVIL VEEDU, NETTAYATHU MURI,
   PUTHOOR VILLAGE,
   KOTTARAKARA, NOW RESIDING AT NAVANEETH,
   KIZHAKKEKARA MURI, KOTTARAKARA.

2. **STATE OF KERALA,**
   REP. BY DISTRICT COLLECTOR, PATHANAMTHITTA.

BY ADV. SRI. C.V. VASUDEVAN
GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 1545 OF 2007

&

C.M. Appln. No. 1880 OF 2007

Dated this the 29th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

C.M. Appln. 1880/2007

This is an application for condoning the delay of 745 days in filing the appeal. On merits it is seen that the appeal is filed against the judgment and decree in L.A.R. No. 25/1989 on the file of the Sub Court, Kottarakkara.

2. It is seen that the claimant had come up on an earlier occasion in L.A.A. No. 1355/2000 and this Court directed the reference court to make a fresh adjudication with regard to the claim for compensation of 38 Sq. meters of land left after acquisition. On the basis of the direction thus issued by this Court, the reference court found that 38 sq.ms of property is lying adjacent to the road edge and it is actually lying as part of the road and on the northern side of the compound wall constructed by the K.S.E.B, and that the said portion has become

useless due to acquisition. That finding was entered on the basis of the report of the Advocate Commissioner, who prepared the plan with the assistance of the Taluk Surveyor. That plan and report were marked as Exhibits C1 and C1(a). It is in respect of the said 38 sq.ms, land value has now been awarded by the reference court. Interest on solatium was also granted; that is a settled position also.

In view of the above facts and circumstances, we do not find any merit in the appeal. Therefore, the application for condonation of delay and the appeal are dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 1545 OF 2007

J U D G M E N T

29.10.2007